

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) CE12081JEM							
I hereby certify that this correspondence is being electronically transmitted on the date listed below [(37 CFR 1.8(a)). on: <u>September 21, 2007</u> Signature <u>/Larry G. Brown/</u> <u>Larry G. Brown</u> Typed or printed name		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Application Number 10/722,804</td> <td style="padding: 5px;">Filed November 26, 2003</td> </tr> <tr> <td colspan="2" style="padding: 5px;">First Named Inventor Joseph Patino</td> </tr> <tr> <td style="padding: 5px;">Art Unit 2838</td> <td style="padding: 5px;">Examiner Fantu, Yalkew</td> </tr> </table>		Application Number 10/722,804	Filed November 26, 2003	First Named Inventor Joseph Patino		Art Unit 2838	Examiner Fantu, Yalkew
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First Named Inventor Joseph Patino									
Art Unit 2838	Examiner Fantu, Yalkew								
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheets(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> applicant inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registraton number <u>45,834</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: _____ </td> <td style="width: 50%; vertical-align: top;"> <u>/Larry G. Brown/</u> Signature <u>Larry G. Brown</u> Typed or printed name <u>(954) 723-6449</u> Telephone number <u>September 21, 2007</u> Date </td> </tr> </table> <p>NOTE: Signatures of all the inventors or assignees or record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, se below*</p>				<input type="checkbox"/> applicant inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registraton number <u>45,834</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34: _____	<u>/Larry G. Brown/</u> Signature <u>Larry G. Brown</u> Typed or printed name <u>(954) 723-6449</u> Telephone number <u>September 21, 2007</u> Date				
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<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.									

(SB/33 (07-05))

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Joseph Patino GROUP ART UNIT: 2838
 APPLN. NO.: 10/722,804 EXAMINER: Fantu, Yalkew
 FILED: November 26, 2003 Confirmation No. 8199
 TITLE: CHARGING SYSTEM AND METHOD

CERTIFICATE UNDER 37 CFR 1.8(a)	
I hereby certify that this correspondence is being electronically transmitted on the date listed below:	
Date:	September 21, 2007
Signature	/Larry G. Brown/
Typed or printed name:	Larry G. Brown

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: **AF**
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants request review of the Non-Final Office Action mailed April 18, 2007 relating to the above-identified application in furtherance of the Notice of Appeal filed on September 21, 2007. Although this pre-appeal brief stems from a non-final Office Action, the claims at issue have been rejected at least twice.

Concurrently with this response, Applicants are paying the requisite fee for a three (3) months Extension of Time.

Claims 1-15 remain pending in the application. The most recent copy of the claims can be found in Applicants' Amendment of January 8, 2007. In the Office Action, claims 1-12, 14 and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,061,956 to Brown, et al. (Brown). Claim 1 was also rejected under 35

U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,100,664 to Oglesbee, et al. (Oglesbee). Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of U.S. Patent No. 6,972,542 to Patino, et al. (Patino).

Independent Claims 1, 8 and 9

Independent claim 1 recites the limitation that - in response to the monitoring step - selectively controlling a charging switch that controls the flow of the input power supply signal to the battery in which the controlling step includes activating the switch when the voltage level of the input power supply signal increases to reach the first predetermined threshold and deactivating the switch when the voltage level of the input power supply signal decreases to reach the second predetermined threshold. Independent claims 8 and 9 recite similar subject matter.

In contrast, the configuration of Brown is designed to work in the exact opposite fashion. In particular, “[u]pon detecting a high input power voltage condition, the voltage sensor 66 sends an over-voltage signal to the switch control via conductors 82 and 70 to cause the switch means 12 to become *non-conductive*” (see col. 8, lines 56-59) (emphasis added). Moreover, “[i]f the power voltage exceeds 29.0 volts d.c. charging terminates until the voltage falls below 28.5 volts” (see col. 8, lines 62-64). This technique would defeat the purpose of the claimed subject matter, namely to activate the charging switch when voltage increases to a predetermined threshold and deactivating the switch when voltage decreases to a predetermined threshold.

Oglesbee also describes a process that operates in a different manner. In particular, when the upper (i.e., first) threshold is reached by the supply voltage as it increases, the microprocessor immediately deactivates the switch (see col. 4, lines 8-29). In addition, when the decreasing supply voltage reaches the lower (i.e., second)

threshold, the microprocessor activates the switch (see col. 4, lines 50-61 and steps 240 and 215 of FIG. 3). Like Brown, Oglesbee teaches the exact opposite of what is recited in the independent claims.

Dependent Claims 2, 3, 4, 10, 11 and 12

Dependent claim 2 recites the step of maintaining – through a capacitor - the voltage level of the input power supply signal to indicate that the electronic device is being charged. Dependent claim 10 recites a similar limitation. Brown simply does not describe such a feature. In particular, Brown does not describe anything about the input power supply, including any voltage peaks or valleys in the signal, other than to note that it is an external source of DC power (see col. 3, lines 7-10). Brown does not appear at all to be concerned with maintaining the voltage level of the incoming power supply signal, and the boost circuit (14) to which the Examiner is referring is merely designed to process the incoming signal in accordance with a pre-selected charging program (see col. 4, lines 9-14).

Dependent claims 3 and 4 recite limitations directed to synchronizing the control of a second switch with the control of the charging switch in which the second switch regulates current flow to a backlighting circuit. Dependent claims 11 and 12 contain like subject matter. The Examiner has attempted to equate the switch control (44) of Brown with the claimed second switch (see page 3 of the Non-Final Office Action of April 18, 2007). This switch control (44) of Brown, however, actually controls the switch means (12), and the operation of the switch control (44) is not synchronized to the operation of the switch means (12), as the switch means (12) is *under the control* of the switch control (44) (see col. 4, lines 4-9).

Moreover, the switch means (44) does NOT regulate current flow to a backlighting circuit. The Examiner has proposed that the fault indicator circuit (84) of Brown is the equivalent of a backlighting circuit (see page 3 of the Non-Final Office Action of April 18, 2007). The fault indicator circuit (84), however, is merely a circuit that supplies signals to an external indicator to indicate the presence of a fault condition (see col. 8, line 65 to col. 9, line 4). In addition, the switch means (44) does not even control the operation of the fault indicator circuit (84), as the circuit (84) receives fault signals from the voltage sensor (66), the charger temperature detector (60), the hot battery detector (62) and the shorted cell detector (64) via a conductor (86) (see col. 8, line 66 to col. 9, line 1).

Conclusion

In view of the above, Applicants contend that the claims are patentable over the cited prior art references. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

Date: September 21, 2007

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